

Building Owners and Managers Association



Inland Empire of Southern California

March 12, 1996

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Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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Re: Telecommunications Services -- Inside Wiring, Customer Premises Equipment, CS Docket  
No. 95-184

Dear Mr. Caton:

We are writing in response to the FCC's Notice of Proposed Rulemaking released on January 26, 1995, regarding telephone and cable wiring inside buildings. We enclose four (4) copies of this letter, in addition to this original.

BOMA/Inland Empire represents building owners and managers throughout the three county region that makes up the Inland Empire. We are concerned that any action by the FCC regarding access to private property by large numbers of communications companies may inadvertently and unnecessarily adversely affect the conduct of our members businesses and needlessly raise additional legal issues. The Commission's public notice also raises a number of other issues that concern us.

The FCC's request for comments raises the following issues of concern to us: access to private property; location of the demarcation point; standards for connections; regulation of wiring; and customer access to wiring.

1. Access to Private Property - Access to efficient telephone and cable television service is important to the residents of the buildings our members own or manage, and we are committed to making sure that those services are available to the best of their ability.

Government intervention, however, is neither necessary nor desirable to ensure that telecommunications service providers can serve our member's tenants. Needless regulation will not only harm their interests, but those of their tenants, and the public at large.

A building owner must have control over the space occupied by telephone lines and facilities, especially in a multi-occupant building, because only the landlord can coordinate the conflicting needs of multiple tenants and multiple service providers. We believe that the best approach to the issues raised in the request for comments is to allow building

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owners (if they choose) to retain ownership and control over their property -- including inside wiring -- so long as they make sufficient capacity available to meet all the needs of the occupants of a building. We are also concerned about the security of our buildings and our tenants. Telecommunications service providers have no such obligation.

Finally, our members are responsible for compliance with local safety and building codes, and they are the front line in enforcement. They cannot ensure compliance with such requirements if they do not have control over who does what work in their buildings, or when and where it is done. Limiting control in this area will unfairly increase exposure to liability and adversely affect public safety

2. Demarcation Point - We believe the only criterion for the location of the demarcation point should be the nature of the property, and not the specific technology involved. There should be a uniform demarcation point for all commercial properties inside the premises, preferably at the telephone vault or frame room.

3. Connections - The Notice asks whether we believe government action regarding the FCC's issuing of technical standards for connections is unnecessary. The telecommunications industry has already established widely followed standards, and we believe it is in the best interest of the companies and their customers that they continue to be followed.

4. Regulation of Wiring - We have no comments on the merits of any particular scheme for regulating inside wiring, because our members are not service providers but users of telecommunications. In general, however, we think it important to note there are substantial differences between residential and commercial buildings, and while it may make sense to account for the convergence in technologies, it probably does not make sense to adopt uniform rules for all kinds of property.

We are also concerned the government might impose a huge new expense on telecommunications service providers and building owners by requiring retrofitting of existing buildings. We believe such matters should be left to the ongoing discussions regarding amendments to the Model Building Code.

5. Customer Access to Wiring - We have no objection to permitting a customer to install or maintain its own wiring or buy the wiring from a service provider, provided that the rights of the owner of the premises are taken into account. A tenant's rights in wiring should not extend beyond the limits of the deemed premises, and the landlord must retain the right to obtain access to the wiring and control the type and placement of such wiring. We also believe that the owner of the premises should have a superseding right to acquire or install any wiring. In any case, a tenant's right to acquire or install wiring should be governed by state property law and the terms of the tenant's lease.

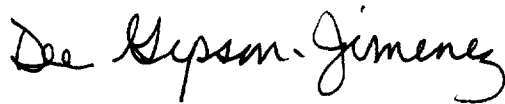
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In conclusion, we urge the FCC to consider carefully any action it may take. Thank you for your attention to our concerns and those of our membership.

Sincerely,

A handwritten signature in black ink, reading "Dee Gipson-Jimenez". The signature is written in a cursive, flowing style with a large initial "D" and a long, sweeping underline.

Dee Gipson-Jimenez

1996 President